

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:13-HC-2135-BO

MATTHEW LEE BABER,	)	
	)	
Petitioner,	)	
	)	
v.	)	<b>ORDER</b>
	)	
DENNIS DANIELS,	)	
	)	
Respondent.	)	

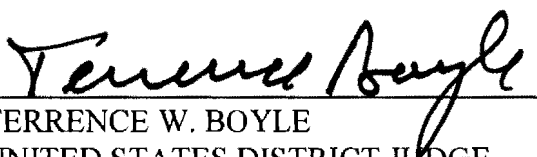
On June 13, 2013, Matthew Lee Baber (“Baber” of “petitioner”), a state inmate proceeding pro se, filed a writ of habeas corpus. Pet. [D.E. 1]. On June 14, 2013, an order notifying petitioner of his failure to pay the filing fee or submit an application to proceed without payment of fees and affidavit was entered [D.E. 2]. Thereafter, on July 1, 2013, petitioner filed an objection to the order and has not provided the fee or submitted the application [D.E. 3]. Petitioner has also filed a document entitled “Corporate Disclosure Statement,” a motion for writ of mandamus, and a motion to amend [D.E. 4, 6, and 7]. Each of the documents has been considered within this order.

Baber objects to any payment of the filing fee or submission of an application to proceed in forma pauperis, the filing fee is governed by 28 U.S.C. § 1914, and is mandatory. See, e.g., Thomas v. Zatecky, No. 13-1136, \_\_\_ F.3d \_\_\_, 2013 WL 952434, at \*1–2 (7th Cir. Mar. 13, 2013); Harris v. Vaughn, 129 F. App’x 684, 688–89 (3d Cir. 2005) (unpublished); Weaver v. Thomas, 399 F. Supp. 615, 617 (S.D. Tex. 1975). Thus, the court overrules Baber’s objection to paying the filing fee, and directs Baber to pay the fee or complete and submit the enclosed in forma pauperis application. Baber shall do so on or before November 4, 2013, or face dismissal of this action without prejudice. See, e.g., McFadden v. North Carolina, 473 F. App’x 341, 342 (4th Cir. 2012) (per curiam)

(unpublished) (finding no error in dismissing section 2254 petition without prejudice for failure to comply with court order to pay required filing fee).

Accordingly, the clerk is DIRECTED to resend the necessary filing fee forms. Again, petitioner has until November 4, 2013, to pay the fee or complete and submit the provided forms. His failure to timely respond shall result in the dismissal of this petition without prejudice. Furthermore, the pending motions have been considered and are DENIED [D.E. 4, 6, and 7].

SO ORDERED, this 18 day of October 2013.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE